



DT02 Rec'd PCT/PTO 0 2 MAR 2005

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P/4309-84

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Michel Gielis

Date: February 28, 2005

National Stage of International Application No. PCT/EP2003/07131

International Filing Date: 12 June 2003

Serial No.: 10/517,512

For: CONTROLLING AND/OR MONITORING DEVICE USING AT LEAST A  
TRANSMISSION CONTROLLER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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SUBMISSION

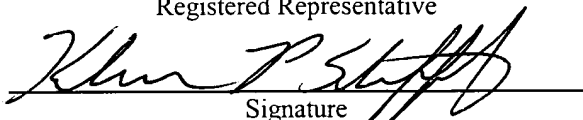
Sir:

Applicant submits herewith an English language translation of the PCT International Preliminary Examination Report for the above-identified application. The PCT International Preliminary Examination Report was submitted in the French language along with the U.S. national phase application on December 10, 2004.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 28, 2005:

Klaus P. Stoffel

Name of applicant, assignee or  
Registered Representative

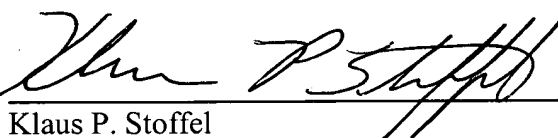
  
Signature

February 28, 2005

Date of Signature

KPS:ck  
Enclosure

Respectfully submitted,

  
Klaus P. Stoffel

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**Translation**

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IP 1508	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/007131	International filing date (day/month/year) 12 juin 2003 (12.06.2003)	Priority date (day/month/year) 13 juin 2002 (13.06.2002)
International Patent Classification (IPC) or national classification and IPC G05B 23/02		
Applicant INVENTIO AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of          sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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Date of submission of the demand 13 janvier 2004 (13.01.2004)	Date of completion of this report 02 November 2004 (02.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/007131

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

☐ the international application as originally filed☒ the description:

pages \_\_\_\_\_ 1-17 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☒ the claims:

pages \_\_\_\_\_ 1-13 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☒ the drawings:

pages \_\_\_\_\_ 1/2-2/2 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☐ the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages \_\_\_\_\_☐ the claims, Nos. \_\_\_\_\_☐ the drawings, sheets/fig. \_\_\_\_\_5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	3-5, 7-13	YES
	Claims	1, 2, 6	NO
Inventive step (IS)	Claims	7-13	YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

## 2. Citations and explanations

Reference is made to the following document:

D1: US-A-6 163 270 (SILVERMAN DAVID PHILLIP) 19  
December 2000 (2000-12-19)

1. The application fails to comply with the requirements of PCT Article 6, since claims 1, 3 and 4 are unclear.

- 1.1 The terms "security configuration", "fault configuration", "reference condition" and "security circuit" used in claims 1, 3 and 4 are vague and equivocal, and cast doubt on the meaning of the technical features to which they refer. The subject matter of said claims is therefore not clearly defined (PCT Article 6).

2. Moreover, irrespective of the above-mentioned lack of clarity, the subject matter of claims 1, 2 and 6 is not novel within the meaning of PCT Article 33(2). Consequently, the requirements of PCT Article 33(1) are not met.

- 2.1 D1, which is considered to be the prior art closest

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to the subject matter of claim 1, describes (the references between parentheses apply to said document):

"a control and/or surveillance device (10) including a plurality of peripherals (16, 18, 19), a central control unit (14) and a communication network (13) connecting the central unit (14) to the various peripherals (16, 18, 19), characterised in that it further includes an electric security circuit that selectively adopts a security configuration or a fault configuration (column 1, line 62 to column 2, line 31; column 3, line 57 to column 4, line 14; column 5, line 64 to column 6, line 9; column 7, line 40 to column 8, line 37); in that, at each instant, each peripheral (16, 18, 19) is subjected to a condition that totally or partially affects it (column 1, lines 62 to 64), which condition belongs to a plurality of possible conditions including a reference condition (ON, OFF, IDLE) and is reported selectively in the form of a context code by the peripheral concerned (column 3, lines 57 to 62); and in that the central control unit (14) includes at least a first transmission controller (20) which has a stored reference code (column 5, lines 27 to 46) for each peripheral (16, 18, 19) consisting of the context code (ON, OFF, IDLE) transmitted by the peripheral concerned (16, 18, 19) and indicating the reference condition thereof; which reads the context code of each of the peripherals (16, 18, 19) by periodically polling these peripherals according to a predetermined addressing order; which compares

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one by one the context codes (ON, OFF, IDLE) it reads by polling the peripherals to the reference codes it has stored; and which controls the transition of the security circuit from the security configuration to the fault configuration on detecting the absence of one of the codes to be compared or a discrepancy between the codes it has compared (column 5, line 63 to column 6, line 9).

The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

2.2 The additional features of dependent claims 2 and 6 are also disclosed in D1:

- claim 2: column 5, lines 27 to 46;
- claim 6: column 3, lines 48 to 51.

The subject matter of claims 2 and 6 is therefore not novel (PCT Article 33(2)).

2.3 Furthermore, even if claims 1, 2 and 6 were interpreted in such a way as to enable the novelty of the subject matter of the application to be acknowledged on the grounds of minor differences in comparison with that of D1, the subject matter of claim 1 nevertheless does not involve an inventive step (PCT Article 33(3)) with regard to D1, since said document discloses the same subject matter and describes the same kind of solution as the present application.

3. The present application does not satisfy the conditions stipulated in PCT Article 33(1), since the subject matter of claims 3, 4 and 5 does not involve an inventive step as defined by PCT Article 33(3):

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- claim 3: a slight alteration in the construction of the control device described in claims 1 and 2 is suggested, in particular the existence of a second transmission controller in the central control unit. Said alteration is part of the standard practice of a person skilled in the art and the resulting advantages are easily foreseeable;
- claim 4: see D1, column 5, lines 27 to 46;
- claim 5: to a person skilled in the art, supplying electric power to the peripherals via the communication network is a routine constructional step.

The subject matter of claims 3 to 5 therefore does not involve an inventive step (PCT Article 33(3)).

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